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Application Serial No.: 09/986,622
Attorney Docket No.: 09877.0189-00**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the amendments proposed herein and the following remarks. Prior to entry of this response, claims 31-37 and 39-51 were pending in the application, of which claims 31, 34, and 51 are independent. In the Final Office Action dated November 20, 2006, claims 39-45 were objected to; claims 34-37 were rejected under 35 U.S.C. §112, first paragraph; claim 51 was rejected under 35 U.S.C. §112, second paragraph; and claims 31-37 and 39-50 were rejected under 35 U.S.C. § 103(a). Following this proposed Amendment After Final, claims 34-37 and 40-51 remain pending in this application, and claims 31-33 and 46-50 are canceled.

I. Canceled Claims

The Examiner rejected claims 31-33 and 50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0029591 ("Dickinson") (or U.S. Patent No. 5,284,499 ("Harvey")) in view of JP 08091862 ("Kazuya"), U.S. Patent No. 5,160,359 ("Strackenbrock"), and U.S. Patent No. 4,547,644 ("Bair"), and optionally in view of U.S. Patent No. 4,988,374 ("Harding"). The Examiner also rejected claims 31-33 and 50 as being obvious over Dickinson (or Harvey) in view of Kazuya, Bair, and U.S. Patent No. 4,678,490 ("Miller"), and optionally in view of Harding. While Applicants disagree with the Examiner's rejection of these claims, Applicants propose canceling claims 31-33 and 50 without prejudice or disclaimer in order to advance prosecution of the other claims pending in this application.

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The Examiner objected to claims 39-45 as being of improper dependent form because they depended, directly or indirectly, from canceled claim 38. Applicants propose canceling claim 39 without prejudice or disclaimer and amending claim 40 to indicate that it depends from claim 34. Applicants respectfully submit that these amendments place claims 40-45 in condition for allowance or, alternatively, in better condition for appeal.

III. Rejection of the Claims Under 35 U.S.C. § 112, First Paragraph

In the Final Office Action, the Examiner rejected claim 51 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner asserted that claim 51's language "to direct a second portion of the conditioning gas to an upper portion of the muffle" is not supported by the specification, observing that Figure 4 shows the flow 152 to be above the muffle 33. In this Amendment After Final, Applicants propose amending claim 51 to recite "to direct a second portion of the conditioning gas to an upper portion of the substantially annular chamber." Support for this amendment is found in the specification at least at page 31, lines 7-19. Applicants believe that this proposed amendment places claim 51 in condition for allowance.

The amendment to claim 51 proposed herein is the same as an amendment to claim 51 proposed by Applicants in a January 19, 2007 Amendment After Final. In an Advisory Action dated January 31, 2007, the Examiner declined to enter the Amendment After Final, asserting that it did not place the claims in condition for allowance. The Examiner did not address claim 51, however, and Applicants

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respectfully assert that the proposed amendment to claim 51 places it in condition for allowance.

IV. Rejection of the Claims Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 34-37 under 35 U.S.C. §112, second paragraph, contending that there is no antecedent basis for the term "distributor body" at line 9. Applicants propose amending claim 34 to reorder the elements in a manner that provides antecedent basis for the term "distributor body" in the clause referred to by the Examiner.

V. Rejection of the Claims Under 35 U.S.C. §103

In the Final Office Action, the Examiner rejected claims 34-37 over the combinations listed above under Section I. In this Amendment After Final, Applicants propose amending claim 34 to recite a "support collar adapted to slide the optical preform horizontally during operation of the drawing furnace."¹ A similar limitation was previously presented in claim 39, which Applicants now propose canceling.² In the April 6, 2006 Office Action, the Examiner deemed that feature 7 of Harding "can slide, when it is not connected to any other structure." Apr. 6th OA at 7. In the Advisory Action, the Examiner noted that Applicants have previously disagreed with the Examiner's

¹ Support for this limitation is found in the specification at least at page 31, line 20-page 32, line 3 and at Figure 4. Accordingly, Applicants respectfully submit that the proposed amendment adds no new matter.

² In the April 6th Office Action, the Examiner stated with respect to claim 39 that "sliding is a method step that does not (seem to) import any structure into the claims." Applicants respectfully disagree with this characterization, as claim 39 recites "support collar is free to slide atop the distributor body." Thus, claim 39 does not recite the step of sliding, but instead that the support collar have the capability to slide. However,
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interpretation of Harding, but asserted that Applicants have not explained why the Examiner's position is not the broadest reasonable interpretation of the claim. As explained below, the cited combinations do not teach or suggest a support collar adapted to slide a preform horizontally during operation of a drawing furnace, as recited in amended claim 34, even under the broadest reasonable interpretation of that recitation.

In order to establish a *prima facie* case of obviousness, the cited references must teach or suggest each and every recitation of the rejected claim. MPEP 2143. To establish a case of obviousness with respect to amended claim 34, the cited references must teach or suggest a "support collar adapted to slide the optical preform horizontally during operation of the furnace," as well as the other recitations of claim 34. The Examiner asserts that Harding's holding chuck 7 is adapted to slide a preform during operation of a furnace because Harding's Figure 1 does not depict any structure connected to holding chuck 7 that would limit its movement in the horizontal direction. Apr. 6th OA at 7; Advisory Action.

Contrary to the Examiner's interpretation, Harding clearly indicates to one of ordinary skill in the art that holding chuck 7 in its Figure 1 is connected to other structure during operation of the furnace. While an Examiner may rely on the disclosure of a prior-art drawing in making a rejection, the drawing must be evaluated for what it reasonably discloses to one of ordinary skill in the art. MPEP 2125. Harding states that

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given that Applicants propose canceling claim 39 and have rephrased this feature in proposing an amendment to claim 34, Applicants believe that this issue is moot.

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holding chuck 7 "gradually advances the preform into the furnace through the furnace entrance 8." Harding at 2:56-58. Without structure connected to holding chuck 7 controlling the chuck's "gradual[] advance" through the furnace, holding chuck 7 and the preform would free-fall through the furnace. Thus, while Harding chose not to show the structure connected to holding chuck 7 in Figure 1, one of ordinary skill would understand from Harding's disclosure that holding chuck 7 is connected to structure controlling its gradual advance during operation of the furnace. Accordingly, Figure 1 cannot reasonably be relied upon as teaching that holding chuck 7 is not connected to any other structure during operation of the furnace. Furthermore, Harding does not teach that holding chuck 7 can horizontally slide the preform during operation of the furnace, nor does it suggest modifying holding chuck 7 to provide it with this capability. Accordingly, Harding does not teach or suggest this recitation of amended claim 34.

The Examiner also asserts that Kaiser's rubber ring 27 is a "support collar." As noted above, to establish a *prima facie* case of obviousness, the cited combination must teach or suggest all limitations of the rejected claim. Thus, the cited combination must teach or suggest a support collar adapted to horizontally slide an optical preform during operation of a furnace, in addition to the remaining recitations of claim 34. Kaiser does not teach or suggest that rubber ring 27 is "adapted to horizontally slide the optical preform during operation of the drawing furnace," and the Examiner has not asserted that it does.

Furthermore, Kaiser discloses that rubber ring 27's purpose is to seal the furnace to prevent contaminants from entering the furnace. Kaiser at 4:19-21. If Kaiser's disclosure was modified such that rubber ring 27 could horizontally slide a preform

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during operation of a furnace as recited in claim 34, rubber ring 27 would likely no longer seal the furnace entrance. Because such a modification would change the principle of operation of Kaiser's rubber ring 27, Kaiser does not teach or suggest this recitation of amended claim 34, and a *prima facie* case of obviousness has not been established. MPEP 2143.02.

Because the cited references do not teach or suggest each feature of amended claim 34, a *prima facie* case of obviousness has not been established and Applicants request that the rejection of claims 34-37 be withdrawn.

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VI. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance or in better condition for appeal. Applicants submit that the proposed amendment and issues raised herein do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 12, 2007

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